



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

November 11, 2008

Rose

Mayor Rose called the meeting to order at 7:00 pm.

**PRESENT:** Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Richard Leider, and Aaron Sharp

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Water Supervisor Bob Durr.

**GUESTS:** WABA President Joann Bromberg, Jeff Jochums, Hank Heckendorn, and Rachel Krefetz, Housing Development Consortium.

**CONFIRMATION OF APPOINTMENTS:** Mayor Rose asked the Council to confirm his appointment of Francine Johnson to the Board of Adjustment replacing Steve Hauck, who has resigned. Ms. Johnson will complete Mr. Hauck's term, which expires on December 31, 2010, and will be eligible for reappointment at that time.

**MOTION:** Councilmember Leider moved to confirm Mayor Rose's appointment of Francine Johnson to the Board of Adjustment. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Mayor Rose also asked the Council to confirm his appointment of Mike Hillberg to the Council replacing Bruce Young, who has resigned. Mr. Hillberg will serve for two years and may stand for election in 2009 for the unexpired two-year term that remains.

**MOTION:** Councilmember Eulau moved to confirm Mayor Rose's appointment of Mike Hillberg to the Council. Councilmember Leider seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Mayor Rose noted that newly appointed Councilmember Hillberg will join the meeting around 8pm; he had a previous commitment.

**MINUTES:** Mayor Rose asked about the repeated blank in the minutes. Clerk-Treasurer Spens replied that she did not catch the last name of the second Thalweg representative who attended the October 7, 2008 meeting. Councilmember Sharp interjected that the gentleman's name is Robert Elslip. Clerk-Treasurer Spens will amend the minutes accordingly.

Councilmember Leider moved to approve the October 7, 2008 minutes as amended.

Councilmember Clemett seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Leider moved to approve the October 12, 2008 minutes as written.  
Councilmember Clemett seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**WARRANTS:** Councilmember Eulau moved to approve the October warrants, numbers 7784 through 7812, in the amount of \$57,528.78. Councilmember Leider seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Leider moved to approve the November warrants, numbers 7813 through 7844, in the amount of \$23,960.37. Councilmember Clemett seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**CLERK'S REPORT:**

**TOWN ARBORIST:** Clerk-Treasurer Spens reported that she is working with Tina Cohen to develop a contract for Ms. Cohen's duties as Town Arborist and the question of the fee Ms. Cohen will charge to review a tree-removal permit was discussed. She explained that Ms. Cohen thinks the fee should probably be about \$200 per permit and asked the Council if that sounded reasonable to them.

Councilmember Clemett stated that during the process of writing and revising the tree ordinance, Ms. Cohen had estimated that the review fee would be in the range of \$125 to \$150. She asked Clerk-Treasurer Spens to mention that range to Ms. Cohen as part of the contract discussions.

**FLAGPOLE ON ROW NEXT TO JOCHUMS:** Clerk-Treasurer Spens reported that there is a flagpole on the path ROW next to Jochums that may have been installed by former owner, Wil Bevens, and that it is in disrepair. She plans to ask Bill Beck to remove it since the Town has no interest in maintaining it and its location on Town property makes it unsuitable for use by a private party. She then asked the Council to confirm that this is the appropriate action. It was the consensus of the Council that the flagpole should be removed.

**JOCHUMS ROW ENCROACHMENT:** Clerk-Treasurer Spens reported that Jeff Jochums has submitted a report from a transportation engineer that illustrates the portion of path ROW that he needs for safe access to his property. She asked if the proposed area as illustrated meets the Council's expectations as set forth in their motion granting a combination of full and conditional approval to his driveway, much of which sits on the path ROW adjacent to his property. Councilmember Leider suggested that he and Councilmember Sharp should take a detailed look at the illustration, make any adjustments as needed, and assist Mr. Jochums in preparing a final document that can be recorded with King County. It was the consensus of the Council that they do so.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** Water Supervisor Bob Durr reported that a leak was discovered in the distribution line just east of the water tower. He added that while repairing this leak, Water Superintendent Bill Beck upgraded the feeder line to the former Hanson property in

anticipation of the need for the upgrade when the property is redeveloped.

Councilmember Sharp asked if we know how many leaks we have in our distribution lines. Water Supervisor Durr answered that it is difficult to estimate the number because most leaks are found when they become large enough to pool water on the surface. Councilmember Sharp asked if the Town should be planning to replace our steel lines with ductile pipe, at least in conjunction with paving projects. Water Supervisor Durr answered that such replacements would be expensive because the lines should be replaced with something of a larger diameter as well. He will keep the suggestion in mind for future replacements.

**WABA REPORT:** WABA President Joann Bromberg reported that she met with Councilmember Leider to review the details of the proposed records-storage building and that she discussed ideas with the WABA Board. She stated that WABA is willing to pay for half of the cost to construct the building on WABA property provided the Town pays for the other half, pays for all utilities, and pays rent to WABA. She added that she thinks the project can be done for no more than \$25,000 if volunteers are willing to assist in the construction. She commented that WABA would rely on the Town to obtain all needed permits, including a Shoreline Development permit if needed. She also commented that the final building size would probably be 12x14 or 12x16 to accommodate file cabinets, a small desk, lighting, and perhaps a copy machine.

Councilmember Sharp suggested that WABA and the Town consider using the area currently occupied by the beach shed.

Councilmember Leider summarized the results of his review. He noted that other potential rental sites he examined are not conducive to doing work, usually because of poor to non-existent lighting, and cost \$100 to \$150 per month, which makes purchasing more economically attractive than renting. He asked the Council if they feel this project is worthy of further pursuit despite the challenging budget climate. It was the consensus of the Council that this project remains of interest and that Councilmember Leider should continue his work.

Ms. Bromberg also reported that the WABA website is now up and running. She noted that WABA Treasurer Rich Bray is responsible for developing it and that feedback so far is extremely positive.

Ms. Bromberg reported that the Winter Dinner will be held on January 31, 2009 at St. Thomas Church. She also reported that WABA's beach planting project was successful and that most of the adjacent owners helped with the planting.

**EMERGENCY PREPAREDNESS:** Councilmember Eulau reported that his group is surveying gas meters in Town to see which need wrenches for emergency turnoff. He also reported that Leslie Leber will conduct a session on personal preparedness for residents in January.

Clerk-Treasurer Spens gave Councilmember Eulau the materials she received at the Comprehensive Emergency Management Plan (CEMP) seminar she attended on his behalf

and explained that Dave Hall, the state's emergency-plan coordinator, suggested that we use Woodway as a template for our plan. She also reported that Mr. Hall is available to provide individual assistance during the preparation of our plan.

Newly appointed Councilmember Hillberg arrived at 8pm and was welcomed by the Council. Clerk-Treasurer Spens gave Councilmember Hillberg his copy of the packet for tonight's Council meeting and explained that future packets will be delivered to his home on the weekend prior to each Council meeting.

**STORMWATER SYSTEM:** Councilmember Sharp reported that Thalweg is nearly finished with their examination of our existing system. He also reported that a stormwater line near the Taugher residence needs to be repaired. Councilmember Clemett commented that she would like to look at putting a trail in that vicinity when the repairs are done.

**PUBLIC HEARING: PROPOSED 2009 BUDGET AND PROPOSED ORDINANCE NO. 360 SETTING THE 2009 LEVY:** Mayor Rose opened the public hearing at 8:05pm. Clerk-Treasurer Spens noted that this is the second of two public hearings on the proposed budget as required by state statute and that, in addition to discussing the budget, the Council must adopt its property tax levy by ordinance tonight.

Councilmember Leider outlined the modifications made to the preliminary budget presented in October. In particular, he has forecast revenue from sales tax and water sales as slightly higher than in the preliminary plan and has reduced planned expenditures for the parks department and ROW tree maintenance. He added that 2008 will close with a surplus overall but 2009 will probably have a deficit and that he will continue to monitor the situation and keep the Council informed so that, if needed, the Council can consider whether to ask for a levy lift by a vote of Town residents.

Mayor Rose summarized that the Council is controlling spending but will still need to use about 10% of our reserves to balance the budget in 2009 because of economic conditions beyond our control.

Mayor Rose then introduced Rachel Krefetz, Suburban Outreach Director for the Housing Development Consortium. Ms. Krefetz explained that she is visiting ARCH members during this budgeting season to ask them to keep ARCH in their budgets and to ask that they consider dedicating a funding source to ARCH, e.g. a housing levy, to ensure its financial future.

Mayor Rose asked for comments from the public and, as there were none, closed the public hearing at 8:20pm.

**MOTION:** Councilmember Leider moved to pass Ordinance No. 360 setting the amount of taxes to be levied on property in the Town of Beaux Arts Village for the year 2009. Councilmember Eulau seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 361 AMENDING THE TREE**

**ORDINANCE:** Mayor Rose opened the public hearing at 8:25pm. Clerk-Treasurer Spens summarized the amendments proposed to the Planning Commission and reviewed by them during a public hearing on October 16, 2008. She added that the Planning Commission recommends passing this amended ordinance.

Mayor Rose asked for comments from the public and, as there were none, closed the public hearing at 8:30pm.

**MOTION:** Councilmember Leider moved to pass Ordinance No. 361 adopting requirements for the protection of trees on private property, allowing for their limited removal and repealing Ordinance No. 358. Councilmember Sharp seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED ORDINANCE NO. 362 AMENDING THE TOWN'S NO-WAKE ZONE:**

Clerk-Treasurer Spens summarized the Council's recent discussions of this topic and explained that the proposed ordinance moves the no-wake zone in to a line that parallels the shore at a distance of about 450 feet from the shoreline. She noted that this distance is consistent with what other jurisdictions use, for example Mercer Island sets their no-wake line at 100 yards from any pier, dock, shoreline, and bridge or shore installation.

**MOTION:** Councilmember Eulau moved to pass Ordinance no. 362 establishing a no-wake zone and adopting sections of the King County Harbor Code. Councilmember Sharp seconded.

On discussion, Councilmember Clemett stated that she agree that our no-wake zone should parallel the shoreline but feels it should be farther from the shore to protect our marina and swimming area and that we should insist it be enforced. Mayor Rose commented that conversations with the King County Marine Patrol (KCMP) make it clear that it is difficult to enforce our current no-wake zone because it is so different from no-wake zones elsewhere on Lake Washington, which leads to confusion among boaters.

Councilmember Leider stated that he also thinks the boundary should be set farther out than 450 feet from the shore.

Mayor Rose asked what the distance should be.

Bob Durr commented that he thinks having our no-wake zone consistent with other Lake Washington jurisdictions will make enforcement so much easier and thus, consistent, and may lead to improved self-enforcement by boaters. He added that a better buoy line will also improve self-enforcement.

Councilmember Sharp pointed out that Mercer Island Marine Patrol will not enforce our current no-wake regulations because the boundaries of our no-wake zone aren't clear and they don't like that we situated our outer line down the center of the channel.

**SECOND MOTION:** Councilmember Clemett moved to table the motion on the floor until

staff can discuss options for moving the line farther from shore with KCMP.

Councilmember Leider seconded.

Vote: 3 For, 2 Against (Sharp, Eulau), 0 Abstain. Motion carried.

Councilmembers Clemett and Leider will work together to develop a new no-wake boundary and forward the information to Clerk-Treasurer Spens, who will ask KCMP to review and comment on the new proposed boundary.

**PROPOSED ORDINANCE NO. 363 REPEALING THE GREEN RIVER**

**ORDINANCE:** Clerk-Treasurer Spens noted that this ordinance will now be Ordinance No. 362.

**MOTION:** Councilmember Leider moved to pass Ordinance No. 362 repealing the Town's Green River Ordinance No. 268. Councilmember Sharp seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

**DISCUSSION OF COUNILMEMBER DUTIES:** Mayor Rose suggested that the Council conduct a discussion of their various duties at the December meeting so that Councilmember Hillberg can gain a better understanding of the tasks each Councilmember handles.

**TOWN CLEAN UP:** Councilmember Clemett reported that the Fall Clean Up was successful, even though there was no big project this time. She also reported that the Town now has two yard-waste bins for ongoing clean-up work and that the bins are stored at Paula Dix's house.

**TREASURER'S REPORT:** Councilmember Leider reported that he has reviewed the Third Quarter 2008 Treasurer's Reports, found them to be accurate, and signed them in approval.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday December 9, 2008 at Aaron Sharp's house.

**ADJOURN:** Councilmember Leider moved to adjourn the meeting at 9:00 pm.

Councilmember Clemett seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer